

1 GEORGE J. TICHY, II, Bar No. 041146
MICHAEL F. MCCABE, Bar No. 111151
2 MICHELLE R. BARRETT, Bar No. 197280
KIMBERLY L. OWENS, Bar No. 233185
3 JUSTIN T. CURLEY, Bar No. 233287
LITTLER MENDELSON
4 A Professional Corporation
650 California Street, 20th Floor
5 San Francisco, California 94108
Telephone: (415) 433-1940
6 Facsimile: (415) 399-8490
E-mail: gtichy@littler.com,
7 mmccabe@littler.com, mbarrett@littler.com,
8 kowens@littler.com, jcurley@littler.com

9 Attorneys for Defendants
HSBC MORTGAGE CORPORATION (USA)
10 AND HSBC BANK USA, N.A.

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 Philip Wong, Frederic Chaussy, and Leslie
15 Marie Shearn, individually, on behalf of all
16 others similarly situated, and on behalf of
the general public,

17 Plaintiffs,

18 v.

19 HSBC Mortgage Corporation (USA);
20 HSBC Bank USA, N.A.; and DOES 1
through 50, inclusive,

21 Defendants.
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Case No. C 07 2446 MMC [ECF]

**DECLARATION OF AMY YOUNG IN
SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFFS' MOTION
FOR LEAVE TO AMEND FIRST
AMENDED COMPLAINT**

Date: August 22, 2008
Time: 9:00 a.m.
Courtroom: 7 (19th Floor)
Judge: Hon. Maxine M. Chesney

Complaint filed: May 7, 2007
FAC filed: June 29, 2007
Trial Date: Not Yet Set

1 I, Amy Young, hereby declare and state:

2 1. I have personal knowledge of the facts set forth below. If called as a witness,
3 I could and would testify competently to the matters set forth in this declaration.


4 2. I have been employed by HSBC Mortgage Corporation (USA) ("HSBC
5 Mortgage") for approximately three years. Prior to that, I was employed by HSBC Consumer
6 Lending for two years. My current job title is Regional Sales Manager for Southern California.

7 3. I managed proposed named plaintiff Stephanie Chu during her employment
8 with HSBC Mortgage. In or about August 2007, I asked Ms. Chu to order a "docking station" for a
9 laptop computer. Ms. Chu ordered the docking station and shipped it to her work address. At some
10 point shortly thereafter, I told her that the docking station was not needed anymore. Not long after I
11 told Ms. Chu this, a Retail Mortgage Lending Consultant told me that he needed a docking station.
12 Because I knew that we had recently ordered a docking station that was not being used, I dropped by
13 Ms. Chu's office to ask for the docking station. Ms. Chu became visibly nervous and told me that
14 she did not know where the docking station was. I immediately became suspicious and told her that
15 we should look for it; we proceeded to look around the office for the docking station for about one-
16 half hour unsuccessfully. Sometime thereafter, I arrived to my office and found that a docking
17 station was sitting on my desk. It had been shipped the previous day to the Information Technology
18 representative in my office. I called Ms. Chu and asked her what had happened and she told me that
19 she had found the docking station in the cabinets in the conference room at her office. However, I
20 knew Ms. Chu and I had looked previously together in the cabinets in which she claimed to have
21 found the docking station and it was not there. At that point, I asked Human Resources to get
22 involved and they conducted an investigation in which they reviewed the security video surveillance
23 for Ms. Chu's office. The video surveillance still photos, which I reviewed, revealed that Ms. Chu
24 had actually taken the docking station from company premises. Then, once I asked her where the
25 docking station was, she returned the docking station to the office to be shipped to the Information
26 Technology representative. Attached hereto as Exhibit A are true and correct copies of still
27 photographs from the video surveillance capturing Ms. Chu stealing the company docking station.
28 Because Ms. Chu had taken company property and had been dishonest about it, I terminated

1 Ms. Chu's employment. At the termination meeting, the Human Resources representative and I
2 explained to Ms. Chu that we saw her on video surveillance stealing the docking station.

3 4. Dishonesty and theft are prohibited by company policy. Attached hereto as
4 Exhibit B is a true and correct copy of the applicable company policies which indicate that
5 dishonesty and theft are prohibited.

6 I declare under penalty of perjury under the laws of the State of California and the
7 United States of America that the foregoing declaration is true and correct to the best of my personal
8 knowledge. Executed this 1st day of August 2008, in Los Angeles, California.

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11 
12 AMY YOUNG

13 Firmwide:86007286.1 023404.1043

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LITTLER MENDELSON
A PROFESSIONAL CORPORATION
650 California Street
25th Floor
San Francisco, CA 94108-2093
415 435 1840
DECLARATION OF AMY YOUNG

2.

Case No. C 07 2446 MMC [ECF]

EXHIBIT A

MORT007434

2007-09-10 10:47:11



MORT007435

2007-09-10 10:47:11

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MORT007436

2007-09-10 10:47:12



MORT007437

2007-09-10 10:47:15

4: MAIN ENTRY/EXIT

HOMESIDE

MORT007438

2007-09-10 11:33:29

M

4: MAIN ENTRY/EXIT

HOMER

MORT007439

2007-09-10 11:33:30

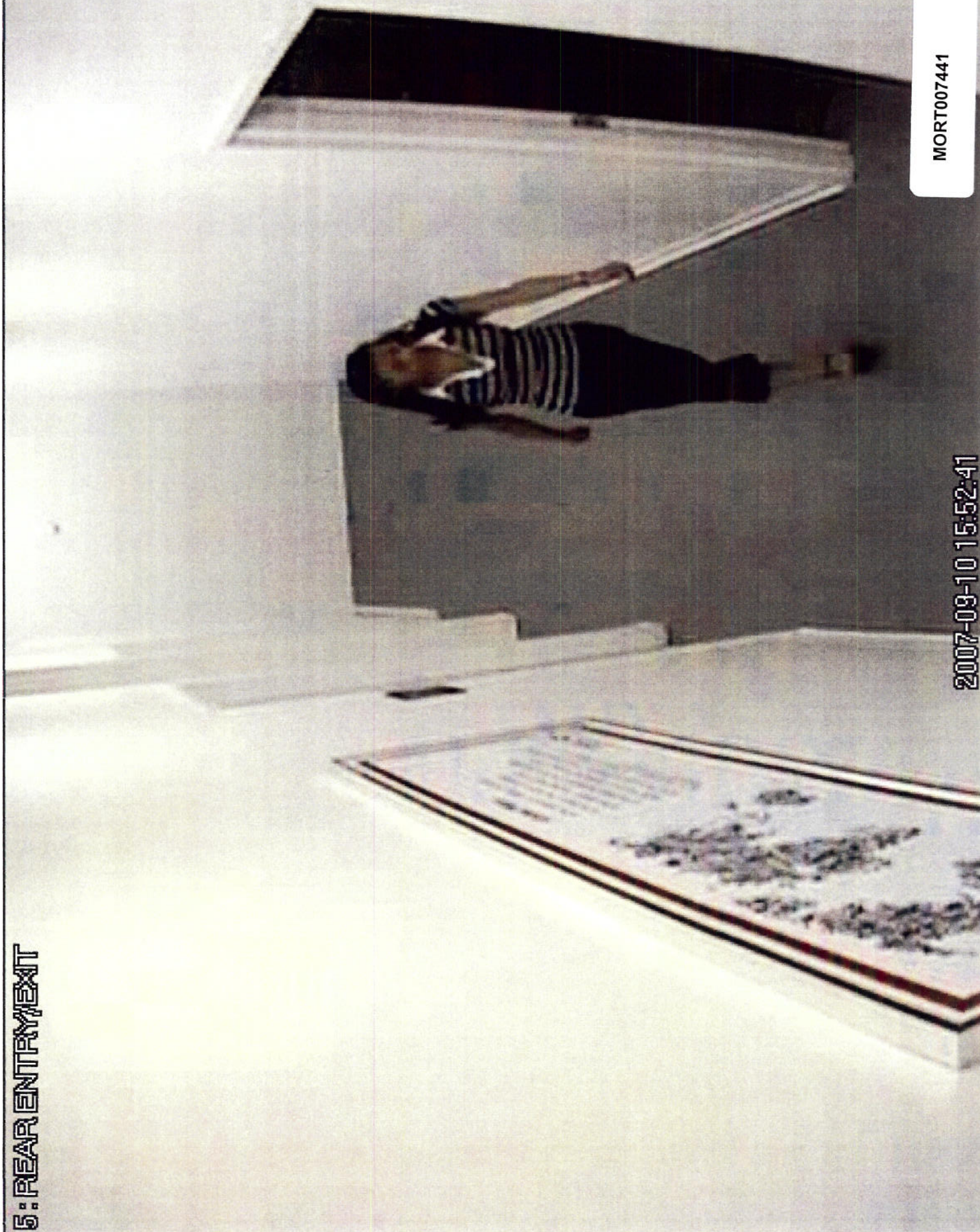
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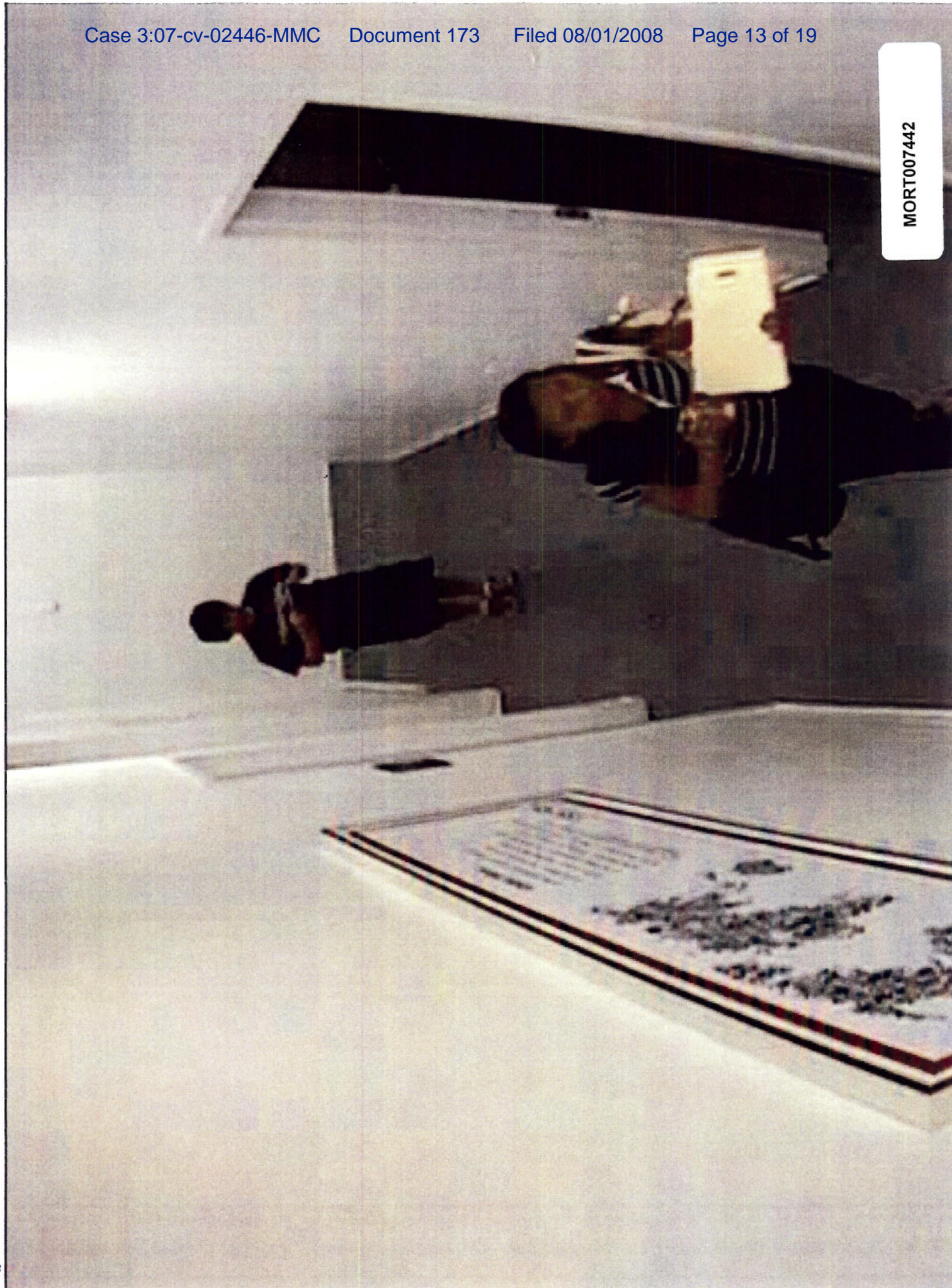


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2007-09-10 15:52:41






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EXHIBIT B

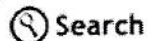
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HSBC - HSBC, NA

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☒ Separation/Termination

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- ◆ Acting/Relief Assignment Plan
- ◆ Compensation
- ◆ FLSA Exemption Status Determination
- ◆ Short-term Assignment

► Employee Benefit Plan

- ◆ Accidental Death & Dismemberment (AD&D) Insurance
- ◆ Aetna - Central PA
- ◆ Aetna - Northern Florida
- ◆ Aetna - Tampa
- ◆ BCBS Option 1
- ◆ BCBS Option 2
- ◆ Dental - Basic Option
- ◆ Dental - Premium Option
- ◆ Dependent Life
- ◆ EPO
- ◆ Group Health Cooperative
- ◆ Harvard Pilgrim HMO
- ◆ Health Fund Basic
- ◆ Health Fund Premium
- ◆ Healthcare Flexible Spending Account
- ◆ HIP Health Plan of New York
- ◆ Independent Health
- ◆ Kaiser Colorado
- ◆ Kaiser Hawaii
- ◆ Kaiser Mid-Atlantic
- ◆ Kaiser Northern California
- ◆ Kaiser Ohio
- ◆ Kaiser Permanente Northwest
- ◆ Kaiser Southern California
- ◆ Life Insurance
- ◆ MVP Health Care
- ◆ Optima HMO
- ◆ Oxford Health
- ◆ Preferred Care
- ◆ Sierra Health Plan

Separation/Termination home page

Reasons for being released

Reasons for being released

[More...](#)**Q** What are the reasons why the company would let me go?**A** You could be released from the company for things like:

- dishonesty
- embezzlement
- excessive absenteeism or tardiness
- inability to perform the duties of your job, as determined at the sole discretion of the company
- insubordination
- lack of work
- rearrangement of work
- unwillingness to conform to corporation procedures
- violation of company policies

If you don't agree with the reason you were released, you can:

- discuss your situation with Human Resources

[Back to top](#)**See also...**◆ [Employment at Will](#)

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CONFIDENTIAL SUBJECT TO
PROTECTIVE ORDER

MORT004309

of Nevada

- ♦ Unicare
- ♦ Univera Healthcare
- ▶ HR Guidelines & Policies
 - ♦ Americans with Disabilities Act
 - ♦ Anti-Retaliation
 - ♦ Attendance
 - ♦ Business Principles and Code of Ethics
 - ♦ Code of Ethics
 - ♦ Confidentiality
 - ♦ Conflict of Interest
 - ♦ Contact with Regulatory Examiners
 - ♦ Contingency Workers
 - ♦ Corrective Action
 - ♦ Diversity
 - ♦ Domestic Relocation
 - ♦ Dress Code
 - ♦ Drug and Alcohol Policy
 - ♦ Electronic Monitoring
 - ♦ Emergency Closing
 - ♦ Employee Privacy and HR Files
 - ♦ Employee Problem Solving
 - ♦ Employee Referrals
 - ♦ Employment at Will
 - ♦ Employment of Relatives
 - ♦ Employment Procedures (Recruitment)
 - ♦ Employment References and Verification
 - ♦ Environmental Protection
 - ♦ Equal Employment Opportunity
 - ♦ Financial Responsibility
 - ♦ Harassment
 - ♦ Holidays
 - ♦ Injuries, Property Damage, Loss, or Destruction
 - ♦ Job Posting
 - ♦ Jury/Witness Duty
 - ♦ Life Threatening Illnesses
 - ♦ Matching Gifts
 - ♦ Orientation
 - ♦ Overtime
 - ♦ Overtime CA
 - ♦ Performance Appraisal
 - ♦ Personal Automobile Use on Company Business
 - ♦ Personal Conduct
 - ♦ Political Participation

CONFIDENTIAL SUBJECT TO
PROTECTIVE ORDER**MORT004310**

Separation/Termination - Reasons for being let go

- ◆ Positive Work Environment
- ◆ Professional Certification Course/Exam
- ◆ Promotions from Within
- ◆ Public Liability Insurance
- ◆ Religious Observance Policy
- ◆ Retirement Recognition
- ◆ Safety/Security
- ◆ Scholar Award and Financial Aid Grant Program
- ◆ Separation/Termination
- ◆ Service Recognition Program
- ◆ Severance
- ◆ Tobacco Policy
- ◆ Time Reporting
- ◆ Tuition Reimbursement Program
- ◆ Unemployment
- ◆ Work Hours
- ◆ Workplace Solicitation and Distribution
- ▶ Leaves, Disability, and Workers' Compensation
- ▶ Life Events
- ▶ Payroll
 - ◆ Direct Deposit
 - ◆ Federal and State Taxes
 - ◆ Foreign Language Differential
 - ◆ Garnishments
 - ◆ On-Call Pay
 - ◆ Pay Periods
 - ◆ Payroll Deductions
 - ◆ Replacement Checks
 - ◆ Retroactive Pay
 - ◆ Shift Pay
 - ◆ Social Security
 - ◆ Tax Withholding
 - ◆ Travel Time (Non Exempt Employees)
 - ◆ W-2
- ▶ Retirement Benefits
- ▶ Voluntary Benefits
- ▶ WorkLife Solutions

Plans and programs
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01/22/2008

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Search

Limit search to:

☒ Corrective Action

Corrective Action home page

Exceptions

Exceptions

More...

Q Is the Corrective Action Process process always followed?

The processes for dealing with conduct and performance issues aren't always handled the same. Conduct issues like the following, might shorten the process because of steps being skipped:

- theft
- violation of company policy or other serious offense
- intoxication
- misuse of drugs
- insubordination
- inappropriate treatment of customer

The severity of each situation should determine the corrective action measures to be taken. These violations and other violations of company policy should be brought to Human Resource's attention before disciplining the employee.

Certain performance issues can lengthen the process by repeating steps.

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